

INTERAGENCY ADVISORY GROUP

UNITED STATES OF AMERICA
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

Secretariat

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Minutes of the IAG Committee on Labor-Management Relations

May 24, 1979

Charles Feigenbaum, Deputy Assistant Director for Labor-Management Relations chaired the meeting.

Marilyn Marton, OLMR, discussed a number of recent FLRA decisions. Among them were Department of State, Passport Office, Chicago Passport Agency, 1 FLRA-33, and Norfolk Naval Shipyard, 1 FLRA-32. Of interest in both cases is the fact that FLRA affirmed decisions reached earlier by the FLRC. Ms. Marton also reported on Ford Motor Company vs NLRB, No. 77-1806 (May 14, 1979), a Supreme Court decision, which recently held that food prices and services at a company controlled, but not owned, cafeteria are conditions of employment and are subject to collective bargaining.

Mr. Feigenbaum announced that FLRA has accepted NAGE's request for a major policy decision on the scope of the grievance procedure. Notice was published in the Federal Register, Vol. 44, No. 94, Monday, May 14, 1979, and views must be submitted by June 15, 1979.

Also, NFFE has requested the FLRA to issue a major policy decision on official time for mid-term bargaining. There were mixed views from the group on whether the request should be opposed or supported. OPM indicated it would likely support the acceptance of the issue by FLRA, but oppose NFFE's interpretation that 5 U.S.C. 7131(a) applied to mid-term bargaining.

Tony Ingrassia, Assistant Director for Labor-Management Relations, stated that AFGE has filed an ULP and also filed an appeal to the Special Counsel in connection with an agency taking action on unacceptable performance before the entire performance appraisal system is in place. OPM is preparing a response to the Special Counsel and MSPB. He also noted that the negotiability of performance standards is before the Authority in cases involving the Customs Service and Bureau of Public Debt. OLMR has seen the Customs brief and commended it as being very well done.

Don Dresser, U.S. Air Force, stated that AFGE filed an ULP with the regional office of the FLRA concerning flexitime when management at Tinker Air Force Base reduced the "core" time from 2 hours to 45 minutes after consultation with the AFGE local. AFGE filed suit in the District Court for the Western District for Oklahoma, requesting an injunction to bar the implementation of the proposed change in flexitime. AFGE alleged that the implementation was improper because Tinker's obligation was to negotiate not consult. The District Court dismissed the suit on the merits and indicated the union was unlikely to prevail, if it filed the ULP.

Mr. Dresser also discussed the informal pre-complaint process that Air Force Logistic Command is attempting to negotiate. The procedure is essentially the informal procedure which existed under the Order. However, union representatives and witnesses would be on official time. If the parties are unable to resolve the dispute, they may file a formal charge to FLRA but if parties reach a settlement, the issue may not be filed before the FLRA. Such a procedure is in existence in a number of Air Force activities.

Donald Wilson, OLMR, stated that the union sponsored protest demonstrations are scheduled to take place during the week of June 11-15th with highpoint of the demonstration being June 14th--"Awareness Day". Agencies were urged to keep OLMR informed of the extent of the protest plans and actions.

Lisa Sinrod, OLMR, stated the 1978 Union Recognition in the Federal Government book would be available in late June. The agencies were instructed to ride OPM's requisition #79-417 to order copies by June 8.

Dave Green, DoD, stated that National Guard Bureau is in process of seeking a court challenge of the FLRC and FSIP decisions on uniforms to be worn by technicians. Justice Dept. has requested DoD to submit their views and comments on the matter.